

ASSEMBLY BILL

No. 647

Introduced by Assembly Member Salas

February 21, 2007

An act to amend Sections 104420, 104435, and 104455 of, and to repeal Section 104425 of, the Health and Safety Code, relating to tobacco use programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 647, as introduced, Salas. Tobacco use programs.

Existing law establishes the Tobacco Education and Research Oversight Committee to provide advice to the State Department of Health Services and the State Department of Education with respect to policy development, integration, and evaluation of tobacco education programs. Existing law specifies the duties of the State Department of Education with respect to tobacco programs administered by local public and private schools, school districts, and county offices of education. Existing law requires the State Department of Education to award and administer grants for projects directed at the prevention of tobacco use among schoolage children. Existing law specifies the duties of county offices of education regarding antitobacco programs.

This bill would revise the above-described provisions to, among other things, require the State Department of Education to administer a competitive grant program for school-based, antitobacco education programs and tobacco use intervention and cessation activities, and revise the duties of the county offices of education with respect to this grant program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 104420 of the Health and Safety Code is amended to read:

104420. The State Department of Education shall provide the leadership for the successful implementation of this article in programs administered by local public and private schools, school districts, and county offices of education. The State Department of Education shall do all of the following:

(a) Provide a planning and technical assistance program to carry out its responsibilities under this article.

(b) Provide guidelines for schools, school districts, and school district consortia to follow in the preparation of plans for implementation of antitobacco use programs for schoolage populations. The guidelines shall:

(1) Require the applicant agency to select one or more model program designs and shall permit the applicant to modify the model program designs to take special local needs and conditions into account.

(2) Require the applicant agency to prepare for each target population to be served a description of the service to be provided, an estimate of the number to be served, an estimate of the success rate and a method to determine to what extent goals have been achieved.

(3) Require plan submissions to include a staffing configuration and a budget setting forth use and distribution of funds in a clear and detailed manner.

(c) Prepare model program designs and information for schools, school districts, consortia, and county offices of education to follow in establishing direct service programs to targeted populations. Model program designs shall, to the extent feasible, be based on studies and evaluations that determine which service delivery systems are effective in reducing tobacco use and are ~~cost-effective~~ *cost effective*. The State Department of Education shall consult with the department, and school districts with existing antitobacco programs in the preparation of model program designs and information.

(d) Provide technical assistance for schools, school districts, and county offices of education regarding the prevention and cessation of tobacco use. In fulfilling its technical assistance

responsibilities, the State Department of Education may establish a center for tobacco use prevention that shall identify, maintain, and develop instructional materials and curricula encouraging the prevention or cessation of tobacco use. The State Department of Education shall consult with the department and others with expertise in antitobacco materials or curricula in the preparation of these materials and curricula.

(e) Monitor the implementation of programs that it has approved under this article to ensure successful implementation.

(f) Prepare guidelines within 180 days of the effective date of this article for a school-based program of outreach, education, intervention, counseling, peer counseling, and other activities to reduce and prevent smoking among schoolage youth.

(g) Assist county offices of education to employ a tobacco use prevention coordinator to assist local schools and local public and community agencies in preventing tobacco use by pupils.

(h) Train the tobacco use prevention coordinators of county offices of education so that they are:

(1) Familiar with relevant research regarding the effectiveness of various kinds of antitobacco use programs.

(2) Familiar with department guidelines and requirements for submission, review, and approval of school-based plans.

(3) Able to provide effective technical assistance to schools and school districts.

~~(i) Establish a tobacco use prevention innovation program effort directed at specific pupil populations.~~

~~(j) Establish a competitive grants program to develop innovative programs promoting the avoidance, abatement, and cessation of tobacco use among pupils.~~

~~(k)~~

~~(i)~~ Establish a tobacco-free school recognition awards program.

~~(t)~~

~~(j)~~ As a condition of receiving funds pursuant to this article, the State Department of Education, county offices of education, and school districts shall ensure that they coordinate their efforts toward smoking prevention and cessation with the lead local agency in the community where the local school district is located.

~~(m)~~

~~(k)~~ (1) Develop, in coordination with the county offices of education, a formula that allocates funds and administer a

1 competitive grant program for school-based, antitobacco education
2 programs and tobacco use intervention and cessation activities in
3 order to reduce the number of pupils who begin to use tobacco,
4 continue to use tobacco, or both. Grants shall be awarded, after
5 consultation with local lead agencies, the committee, and
6 representatives of nonprofit organizations dedicated to the
7 reduction of tobacco-associated disease, to school districts and
8 county offices of education for all pupils in grades ~~4 to 8~~ 6 to 12,
9 inclusive, ~~on the basis of the average daily attendance (ADA) of~~
10 ~~pupils that comply with the requirements of paragraphs (2) and,~~
11 ~~if applicable, (3). School districts shall provide tobacco-use~~
12 ~~prevention instruction for pupils, grades 4 to 8, inclusive, that~~
13 ~~address~~

14 (2) Every school district and county office of education that
15 receives a grant pursuant to this section shall provide tobacco-use
16 prevention instruction that addresses all of the following essential
17 topics:

18 (A) Immediate and long-term undesirable physiologic, cosmetic,
19 and social consequences of tobacco use.

20 (B) Reasons that adolescents say they smoke or use tobacco.

21 (C) Peer norms and social influences that promote tobacco use.

22 (D) Refusal skills for resisting social influences that promote
23 tobacco use.

24 ~~(2) Develop a competitive grants program administered by the~~
25 ~~State Department of Education directed at pupils in grades 9 to~~
26 ~~12, inclusive. The purpose of the grant program shall be to conduct~~
27 ~~tobacco-use prevention and cessation activities targeted to high-risk~~
28 ~~pupils and groups in order to reduce the number of persons~~
29 ~~beginning to use tobacco, or continuing to use tobacco. The State~~
30 ~~Department of Education shall consult with local lead agencies,~~
31 ~~the Tobacco Education and Research Oversight Committee, and~~
32 ~~representatives from nonprofit groups dedicated to the reduction~~
33 ~~of tobacco-associated disease in making grant award~~
34 ~~determinations. Grant award amounts shall be determined by~~
35 ~~available funds. The State Department of Education shall give~~
36 ~~priority to programs, including, but not limited to, the following:~~

37 (3) Every school district and county office of education that
38 receives a grant pursuant to this section for pupils in grades 7 to
39 12, inclusive, shall provide tobacco-use intervention and cessation
40 activities targeted for pupils in high-risk groups.

1 (4) *In adopting regulations to administer the grant program,*
2 *the State Department of Education shall consider the need to*
3 *balance rural, suburban, and urban projects. In addition, the State*
4 *Department of Education shall give priority to applicants and*
5 *programs that do all of the following:*

6 (A) Target current smokers and pupils most at risk for beginning
7 to use tobacco.

8 (B) Offer or refer pupils to cessation classes for current smokers.

9 (C) Utilize existing antismoking resources, including local
10 antismoking efforts by local lead agencies and competitive grant
11 recipients.

12 (D) *Design the project to coordinate with other community*
13 *services, including, but not limited to, local health agencies,*
14 *voluntary health organizations, and parent organizations.*

15 (E) *Design the project to use and develop existing services and*
16 *resources.*

17 (F) *Demonstrate an understanding of the role that the*
18 *environment and community norms play in influencing tobacco*
19 *use.*

20 (5) *Available funds shall determine grant award amounts.*

21 ~~(n)~~

22 ~~(l) Allocate funds for administration to county offices of~~
23 ~~education for implementation of Tobacco Use Prevention Programs~~
24 ~~to provide technical assistance and leadership for tobacco use~~
25 ~~prevention, intervention, and cessation programs. The funds shall~~
26 ~~be allocated to all participating county offices of education at a~~
27 ~~minimum amount of up to twenty-five thousand dollars (\$25,000)~~
28 ~~thirty-seven thousand five hundred dollars (\$37,500). If funds~~
29 ~~appropriated for purposes of allocating at least twenty-five~~
30 ~~thousand dollars (\$25,000) thirty-seven thousand five hundred~~
31 ~~dollars (\$37,500) to all participating county offices of education~~
32 ~~are insufficient, the Superintendent of Public Instruction shall~~
33 ~~prorate available funds among participating county offices of~~
34 ~~education ensuring that all participating county offices of education~~
35 ~~receive an equal minimum level of funding of up to twenty-five~~
36 ~~thousand dollars (\$25,000) thirty-seven thousand five hundred~~
37 ~~dollars (\$37,500). If funds are sufficient to provide all participating~~
38 ~~county offices of education a minimum of up to twenty-five~~
39 ~~thousand dollars (\$25,000) thirty-seven thousand five hundred~~
40 ~~dollars (\$37,500), the remaining funds shall be allocated according~~

1 to the following schedule based on average daily attendance in the
2 prior year credited to all elementary, high, and unified school
3 districts, and to the county superintendent of schools within the
4 county as certified by the Superintendent of Public Instruction:

5 (1) For counties with over 550,000 units of average daily
6 attendance, thirty cents (\$0.30) per average daily attendance.

7 (2) For counties with more than 100,000 and less than 550,000
8 units of average daily attendance, sixty-five cents (\$0.65) per
9 average daily attendance.

10 (3) For counties with more than 50,000 and less than 100,000
11 units of average daily attendance, ninety cents (\$0.90) per average
12 daily attendance.

13 (4) For counties with more than ~~25,000~~ 37,500 and less than
14 50,000 units of average daily attendance, one dollar (\$1) per
15 average daily attendance.

16 (5) For counties with less than ~~25,000~~ 37,000 units of average
17 daily attendance, ~~twenty-five thousand dollars (\$25,000)~~
18 *thirty-seven thousand five hundred dollars (\$37,500)*.

19 ~~(o)~~

20 (m) Allocate funds appropriated by the act adding this
21 subdivision for local assistance to school districts and county
22 offices of education based on average daily attendance reported
23 in the second principal apportionment in the prior fiscal year. ~~Those~~
24 ~~school districts and county offices of education that receive one~~
25 ~~hundred thousand dollars (\$100,000) or more of local assistance~~
26 ~~pursuant to this part shall target 30 percent of those funds for~~
27 ~~allocation to schools that enroll a disproportionate share of pupils~~
28 ~~at risk for tobacco use.~~

29 ~~(p)~~

30 (n) (1) Provide that all school districts and county offices of
31 education that receive funding under subdivision ~~(o)~~ (m) make
32 reasonable progress toward providing a tobacco-free environment
33 in school facilities for pupils and employees.

34 (2) All school districts and county offices of education that
35 receive funding pursuant to paragraph (1) shall adopt and enforce
36 a tobacco-free campus policy no later than July of each fiscal year.
37 The policy shall prohibit the use of tobacco products, any time, in
38 district-owned or leased buildings, on district property and in
39 district vehicles. Information about the policy and enforcement
40 procedures shall be communicated clearly to school personnel,

1 parents, pupils, and the larger community. Signs stating “Tobacco
2 use is prohibited” shall be prominently displayed at all entrances
3 to school property. Information about smoking cessation support
4 programs shall be made available and encouraged for pupils and
5 staff. Any school district or county office of education that does
6 not have a tobacco-free district policy implemented by July 1, shall
7 not be eligible to apply for funds from the Cigarette and Tobacco
8 Products Surtax Fund for that fiscal year. ~~Funds that are withheld~~
9 ~~from school districts that fail to comply with the tobacco-free~~
10 ~~policy shall be available for allocation to school districts~~
11 ~~implementing a tobacco-use prevention education program,~~
12 ~~pursuant to subdivision (m).~~

13 SEC. 2. Section 104425 of the Health and Safety Code is
14 repealed.

15 ~~104425. (a) The State Department of Education shall award~~
16 ~~and administer grants for projects directed at the prevention of~~
17 ~~tobacco use among school-age children. The purpose of the grant~~
18 ~~program is to conduct health education and tobacco information~~
19 ~~activities targeted to school-age children in order to reduce the~~
20 ~~number of persons beginning to use, or continuing to use, tobacco.~~
21 ~~The grants shall provide funds to eligible grantees, as determined~~
22 ~~by the State Department of Education. The State Department of~~
23 ~~Education shall select a variety of grantees and innovative and~~
24 ~~promising projects.~~

25 ~~(b) The State Department of Education shall develop criteria~~
26 ~~and standards for the allocation of grant awards, that consider the~~
27 ~~need to balance (1) target populations to be served; (2) project~~
28 ~~type; (3) rural, suburban, and urban projects, and consider the local~~
29 ~~availability of similar services. The department shall evaluate all~~
30 ~~grant programs by employing statistics that describe the impact of~~
31 ~~a grant program.~~

32 ~~(c) The State Department of Education shall give priority to~~
33 ~~grantees who do the following:~~

34 ~~(1) Design the project to coordinate with other community~~
35 ~~services including local health agencies, voluntary health~~
36 ~~organizations, and parent organizations.~~

37 ~~(2) Design the project to utilize and develop existing services~~
38 ~~and resources.~~

~~(3) Demonstrate an understanding of the role that society, the environment, and community norms have in influencing tobacco usage.~~

~~(4) Indicate promising innovative approaches to diminishing tobacco use among school-age children and permit those approaches to be replicated by others.~~

SEC. 3. Section 104435 of the Health and Safety Code is amended to read:

104435. County offices of education *that receive funds pursuant to subdivision (l) of Section 104420* shall do all of the following:

(a) Provide technical assistance and training to school districts and consortia of school districts regarding planning and preparation of antitobacco programs plans pursuant to State Department of Education guidelines.

~~(b) Receive and approve plans submitted by school districts and provide technical assistance and guidance as necessary to ensure the compliance of school districts with this article. Every effort shall be made to approve or provide a list of necessary amendments to a school district plan within 30 days of receipt. The county office of education may authorize a school district to begin implementation of its plan on a provisional basis, with final approval of the local plan contingent on satisfying specified conditions.~~

~~(c) Certify to the State Department of Education that a school district has met the conditions specified in the department's guidelines and that funds reserved for the school district's antitobacco programs may be released.~~

~~(d)~~

(b) Provide for appropriate coordination between school districts programs and local antitobacco use programs funded by the local lead agency.

(c) *Participate in the review and scoring of applications submitted by school districts for grant awards made pursuant to Section 104420.*

(d) *Participate in the monitoring and technical assistance review process for school districts and county offices of education pursuant to Section 104455.*

SEC. 4. Section 104455 of the Health and Safety Code is amended to read:

1 104455. (a) The State Department of Education shall monitor
2 and ensure implementation of district and county offices of
3 education tobacco-free policies and tobacco-use prevention
4 education programs in districts receiving funding from the Cigarette
5 and Tobacco Products Surtax Fund through procedures in the
6 ~~Coordinated Compliance Review Manual provided to school~~
7 ~~districts by the Superintendent of Public Education~~ *determined by*
8 *the Superintendent of Public Instruction after consultations with*
9 *the committee.*

10 (b) ~~The department shall develop and adopt yearly quantifiable~~
11 ~~targets for the reduction of tobacco use in those programs funded~~
12 ~~on a competitive grant basis for secondary school implementation.~~